

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Fargo to provide assigned take-home vehicles.

703.2 POLICY

The Fargo Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Commander or on-duty Field Services sergeant shall ensure the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift. This is accomplished through the scheduling and payroll system (SPA). If an officer exchanges his/her vehicle due to mechanical issues he/she shall notify the Central Garage via email of the mechanical defect for that particular vehicle.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the appropriate division supervisor for that specific vehicle to ensure the vehicle is available. An officer who is working a shift or detail outside his/her normal duty hours may not have their assigned vehicle available due to another officer, who is assigned to that vehicle, using the vehicle. In this instance, the officer should find a vehicle which is available.

This subsection does not apply to those who are assigned to transport vehicles to and from the Central Garage or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the MDC in the vehicle is not working the member shall find a vehicle with a working MDC and notify Fargo IS to have the MDC repaired. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol vehicles equipped with a MDC, with New World Mobile installed, have a built in GPS system designed to track the vehicle's location. While the system may provide vehicle location, members are not relieved of their responsibility to use required communication practices to report their location and status.

System data may be accessed by supervisors at any time.

703.3.7 KEYS

Patrol assigned vehicle keys will be stored near the north entrance/exit door to the parking garage of the Field Services station. At the end of the officer's shift, officers are expected to hang their squad car keys on the key rack mounted on the wall. Members approved to operate marked patrol vehicles are issued a copy of the Ford squad car key as part of their initial equipment distribution. Members who are assigned another make of vehicle should contact the Quartermaster to receive a key for that make of vehicle.

The loss of a key shall be promptly reported through the members chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles to and from work are permitted to transport family members as long as it does not unduly extend the duration of the trip. Members are permitted to transport other City of Fargo employees to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

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703.3.9 ALCOHOL

Members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls at all department facilities. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. This includes the indoor parking garage located at the Field Services station. Members are permitted to park their private vehicles in department assigned stalls after normal business hours to utilize the fitness center or to conduct errands of 30 minutes or less, with the exception of the indoor parking garage located at the Field Services station. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories without written permission from the assigned vehicle Division Commander.

703.3.12 CIVILIAN MEMBER USE

If circumstances necessitate, civilian members using marked emergency vehicles shall ensure all weapons have been removed before going into service. This does not apply if a civilian member is shuttling squad cars to different police approved parking/storage areas. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances were created by the needs of the Department.

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- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Fargo City limits.
- (d) Vehicles will be locked when not attended.
- (e) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the members duties, job description and essential functions; and the members employment or appointment status. Members who reside outside the City of Fargo may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles should only be used for work-related purposes. Members will be allowed to make personal errands and transport immediate family members when the stop or transport does not unduely extend the duration of the trip between work and the member's residence.
- (b) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Division Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (c) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation. Except for when the member is working under cover, doing surveillance, or any situation when it is unsafe or inadvisable due to operational needs.
- (d) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.

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3. All department identification, portable radios and equipment should be secured.
- (e) Vehicles are to be parked off-street at the members residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms Tasers, other weapons, and body armor shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (f) Vehicles are to be secured at the members residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (g) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Fargo Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (c) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (d) When leaving the vehicle at the maintenance facility, the member will notify the Central Garage Emergency Services technician/mechanic via email of the mechanical problem. If the Central Garage Service technician requests the vehicle for routine maintenance, it will be the assigned members responsibility to drop off their vehicle at the Central Garage. Or in the event the vehicle needing service is assigned to the Field

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Services Division for patrol use, the on-duty patrol supervisor will make arrangements to have the squad car transported to the Central Garage.

- (e) All weapons shall be removed from any vehicle left for extended maintenance.
- (f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to them for inspection to ensure the vehicles are being maintained in accordance with this policy, each patrol sergeant gets two to three vehicles assigned to them to inspect.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

Department members shall operate any department or City of Fargo motor vehicle assigned for their use in a careful and prudent manner, and in accordance with law and any training and established department policies and procedures relative to the operation of such vehicles. When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accident Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the respective Division Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.